

REMARKS

Applicant thanks the Examiner for the prompt attention to the present case. Applicant presents the following remarks in response to the final Office Action of August 9, 2006, and asserts that the application is in condition for immediate allowance. In the present response, no claims are amended. Claims 1-13 are pending. No new matter is added.

Double Patenting

The Office Action maintained the provisional rejection of claims 1-7 under the judicially created doctrine of obviousness-type double patenting as unpatentable over U.S. Patent Application No. 10/871,698. Applicant respectfully traverses this provisional rejection, and defers action until one of the pending applications issues. Applicant notes that both applications are currently pending, and that until one of the two applications issues it is not certain that the claims in both applications will remain in the current form. Applicant wishes to determine upon the allowability of one of the pending applications whether a terminal disclaimer is still appropriate in light of the claims at that time.

Claim Rejections Under 35 U.S.C. § 102

The Office Action rejected claims 1-2 under 35 U.S.C. § 102(b) as anticipated by Jennison (U.S. Patent No. 6,535,602). Applicant respectfully traverses the rejection.

Applicant notes that independent claim 1 requires "a plurality of interconnect locations mounted to the front major surface of the back plane, each interconnect location defining a card edge socket with normally connected contact pairs connected to the back plane." Applicant asserts that Jennison fails to disclose at least this element.

In response to Applicant's previous response of March 7, 2006, the Examiner notes in the Office Action that "the card edge socket with jumpers permanently inserted to it is a card edge socket with normally connected contact pairs." Applicant disagrees with this assertion. Applicant asserts Jennison does not disclose a card edge socket with normally closed interconnect locations for a number of reasons: first, permanent insertion of jumpers does not form a normally closed interconnect location; second, the jumpers of Jennison are not

permanently inserted into the card edge connectors and the card edges are normally open; and third, even if the jumpers are permanently inserted (contrary to the teachings of Jennison), the card edge socket is permanently blocked and therefore is no longer an interconnect location as required by the claims.

As an initial matter, connection of the normally open card edge pairs does not form a normally closed interconnect location; it merely closes a normally open connection. As stated in the patent application's specification, a normally closed connection is one which is generally connected, but can be interrupted by the introduction of an interconnect module. See, e.g., page 4 line 25 to page 5 line 3. Permanent insertion of a jumper merely blocks and electrically connects the normally open socket, and does not form a normally closed connection because there is no capability to interrupt the jumpered connection by inserting an additional interconnect module. Applicant asserts that Jennison therefore does not disclose a normally closed connection. For at least this reason, Jennison does not disclose a card edge socket with normally closed contact pairs forming an interconnect location as required by claim 1.

Secondly, Applicant asserts that Jennison does not disclose permanently inserted jumpers and so Jennison again cannot disclose a card edge socket with normally connected contact pairs. Applicant notes that the purpose of the jumpers of Jennison is to accommodate convenient rewiring when necessary. See, e.g., Jennison, col. 1, line 60 to col. 2, line 9. The purpose of the invention, of itself, contradicts permanent insertion of jumpers. Jennison also discloses a non-normally connected configuration when no jumpers are connected, indicating that the jumpers are not permanent. Jennison, col. 2, lines 24-27. Because the jumpers are not permanently inserted, the card edge socket does not have normally connected contact pairs. For at least this additional reason, Jennison does not disclose a card edge socket with normally closed contact pairs forming an interconnect location as required by claim 1.

Third, even if the jumpers of Jennison were to be permanently inserted, the claims are not anticipated because the card edge socket would no longer form an interconnect location. When the jumpers are inserted into the normally open card edge sockets of Jennison, the card edge socket becomes blocked. See, e.g., Jennison, Figure 1a. No additional components can be inserted into the card edge sockets if the jumpers are permanently inserted. Id. In this

configuration, the card edge sockets therefore cannot form interconnect locations, because no interconnection is allowed at the card edge socket. For at least this additional reason, Jennison does not disclose a card edge socket with normally closed contact pairs forming an interconnect location as required by claim 1.

For at least the above reasons, Applicant asserts that claim 1 is not anticipated by Jennison. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1. Similarly, claim 2 is dependent upon claim 1 and inherits all of the features claimed therein. Applicant asserts that claim 2 is not anticipated by Jennison for at least the same reasons, and respectfully requests reconsideration and withdrawal of the rejection of claim 2.

Claim Rejections Under 35 U.S.C. § 103

The Office Action rejected claims 5-9, 12 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Jennison in view of Carlson et al. (U.S. Reissue Patent No. RE37,125). The Office Action rejected claims 3, 4, 10, and 11 under 35 U.S.C. § 103(a) as being unpatentable over Jennison in view of both Carlson et al. and Curry et al. (U.S. Patent No. 6,053,764). Applicant respectfully traverses these rejections as well.

Claims 3-7 are dependent upon independent claim 1, and as such, inherit all claim limitations therefrom. These claims therefore include a card edge socket with normally connected contact pairs, and are allowable for at least the reasons set forth above. Claim 8 was previously amended to include normally connected contact pairs at the interconnect locations. Claims 9-13 are dependent upon claim 8, and inherit this element. As explained above, Jennison does not disclose any normally connected pairs. Applicant further asserts that Jennison is not combinable with either Carlson et al. or Curry et al. to teach or suggest this feature.

As explained above, Applicant notes that Jennison fails to disclose normally connected contact pairs. Jennison in fact teaches away from normally connected contact pairs. As cited in Applicant's previous response, a "significant feature that [Jennison] provides is for convenient isolation of the internal telecommunication network from the service provider network. When no jumper cards are plugged into the edge connectors, there is a physical break between the internal network and the service provider network." Jennison, col. 4 lines 23-28. Jumper

interconnections between the punch down blocks and punch down connector in Jennison would be useless if the edge card sockets were normally connected, because (1) the jumper would have no function, eliminating the "significant feature" of the reference, and (2) manual rewiring would again be needed, eliminating the primary advantage of the reference. See M.P.E.P. § 2141.02. Therefore, Jennison teaches away from including any normally connected pairs, and is not combinable with any reference teaching normally connected pairs.

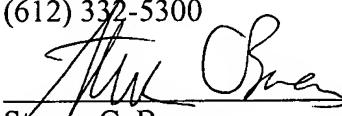
Because Jennison is not combinable with another reference to teach a card edge connector with normally connected pairs, claims 3-13 are not obvious in view of Jennison, Curry et al., and Carlson et al. Applicant therefore respectfully requests reconsideration and withdrawal of the rejection of these claims.

Conclusion

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300



Steven C. Bruess
Reg. No. 34,130

Date: Oct. 10, 2006